

# The Jeffersonian Ideals of Religious Liberty



Address Delivered at the University of  
Virginia at Charlottesville, Va.,  
August 9, 1930,

by

ERNEST ALGER A. MAIER, PH. D.  
257 Academy Road  
Dubuque, IA 52001



St. Louis, Mo.  
CONCORDIA PUBLISHING HOUSE  
1930  
PRINTED IN U. S. A.

St Paul's Lutheran University Church  
Julius A. Friedrich, Pastor  
404 E. JEFFERSON ST.  
IOWA CITY, - IOWA

## THE JEFFERSONIAN IDEALS OF RELIGIOUS LIBERTY

In 1768 three Baptist ministers were arrested in Virginia, charged with disturbing the peace, and denounced by a prosecutor, who bellowed out this indictment: "They cannot meet a man upon the road but they must ram a text of Scripture down his throat." Their arrest and trial on what appears to us to be only a flimsy pretext for ill-disguised bigotry was, however, in the strictest accord with both the letter and the spirit of the law, by which the statute books of Virginia were constituted mentors of things religious. According to their provisions civil service and political privileges were denied to those who held doctrinal positions contrary to the dogmas of the Established Church; according to their definite specifications, children of Unitarian parents could be legally removed from their homes and entrusted to any Trinitarian, quite regardless of his moral and mental qualifications for the assuming of this responsibility. To deny the doctrine of the Trinity was a major crime, punishable with imprisonment of three years. A penal sentence awaited those parents who refused to have their children baptized, and those who lived in open and unrestricted heresy could be burned alive.

But the Dominion State was not isolated in its religious prejudices and in its opposition to relig-

ious freedom as we enjoy it to-day. Nowhere in America was there a comprehensive provision by which any colony granted unqualified freedom of religion to all its subjects. In Massachusetts the law demanded compulsory attendance at church and civil support for ministers. Dissenting Christians were exiled, and that heresy was regarded as a civil crime, in practise as well as in theory, may be seen from the fact that the Rev. Henry Dunster, first president of Harvard College, "was indicted by the grand jury, convicted of breaking the peace, sentenced to receive public admonition on lecture day, and put under bonds for future good behavior because he had preached against infant baptism." It was not until 1833 in Massachusetts, that eminently progressive State, that Church and State were completely separated. The attitude of the other colonies differed only in degree, but hardly in principle. The second constitution of South Carolina declared Protestantism to be the established religion of the State and insisted that its chief officers believe in a future state of rewards and punishments. North Carolina and Pennsylvania made the acceptance of the inspiration of the Old and the New Testament a qualification for office. Even in Maryland religious liberty was granted only to those who believed in the deity of Christ.

And beyond the confines of this country, in France, for example, the Huguenots were still some decades away from the edict that permitted them to beget legal children and to die with equal

legality, but which did not give them permission to think, to speak, or to worship with that freedom which to-day is an inherent right of every American. In England the denial of the divine inspiration of the Bible could be punished by the boring of a red-hot poker through the tongue of the skeptic.

Now, those three Baptist ministers, three representatives of a long line of protest that was beginning to assert itself with indomitable persistence, were defended by that ardent apostle of human liberty Patrick Henry. In his speech in their behalf the forensic Virginian stood up before the court and said:—

*"If I have rightly understood, these three inoffensive persons have been arraigned for a crime of great magnitude—as disturbers of the peace. May it please the court, what did I hear read? Did I hear it distinctly, or was it a mistake of my own? Did I hear that these men whom your *Worships* are about to try for misdemeanor are charged with—with—what? . . . With preaching the Gospel of the Son of God."*

The conclusion of Patrick Henry's appeal is equally classic:—

*"From that period when our fathers left the land of their nativity for these American wilds,—from that moment despotism was crushed, the fetters of darkness were broken, and Heaven decreed that man should be free, free to worship God according to the Bible. In vain were all their sufferings and bloodshed to subjugate this New World if we, their offspring, must still be oppressed*

*and persecuted. But may it please your Worshipps, permit me to inquire once more, for what are these men about to be tried? This paper says: 'For preaching the Gospel of the Savior to Adam's fallen race.'*"

But even if the oratory of Patrick Henry could help to sway the decision in this case, it required something more definite to remove such preposterous provisions forever from the legislation of Virginia and to make the America that was soon to enter its battle for civil liberty safe for religious liberty. To have accomplished this herculean task, to have defeated the organized opposition fostered by the clergy of the Established Church in Virginia, and to have inspired the framers of the Constitution with the courage and determination required to have them embody in this document the principle that "*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof*,"—all this is the imperishable distinction of him whose cherished memory is being commemorated this evening and who, as his self-chosen epitaph immortalizes, regarded as one of the greatest accomplishments of his great career and as an achievement which he ranked parallel to his authorship of the Declaration of Independence and the founding of the University of Virginia—his authorship of the Statute of Virginia for Religious Freedom.

We pause to remind ourselves that Thomas Jefferson's was not the first voice in history to be raised for the proper and proportionate evaluation

of the respective spheres of Church and State. As far back as 1656 in England Sir Henry Vane, the voice of one crying in an unsympathetic wilderness, had insisted that—

*"Every one might give an account of himself in all matters of God's worship unto God and Christ alone, . . . not in these things to be oppressed or brought before the judgment-seats of men."*

And two long centuries and a half before Jefferson's time a group of princes, assembled in historic Augsburg in the effort to establish a unified Church, laid down this fundamental proposition, unique in its clarity and surprising in its modernity:

*"Seeing, then, that ecclesiastical power concerneth things eternal and is exercised only by the means of the Word, it hindereth not the political government any more than the art of singing hinders political government; for the political government is occupied about other matters than is the Gospel. The magistracy defends not the minds, but the bodies and bodily things against manifest intruders and coerces men by the sword and corporal punishment that it may uphold civil justice and peace. Wherefore the ecclesiastical and civil powers are not to be confounded."*

Small wonder that an enlightened world in which these principles have found application pauses after four long and eventful centuries to pay its tribute to the spirit of Augsburg by sending representatives from practically every civilized people of the earth in grateful memory of the events of June 25, 1530, when men again hearkened



to the injunction of the lowly Nazarene: "Render unto Caesar the things which are Caesar's and unto God the things that are God's." It is therefore not without intense significance to note that "the idea of legally establishing unalienable, inherent, and sacred rites of the individual is not of political, but religious origin, — in reality the fruit of the Ref-ormation and its struggle." (Jellinek, 75.)

But it was Jefferson's task to give the first practical and systematic demonstration of these principles. This he did, first of all, through his Bill for Religious Freedom, which after nine years of bitter struggle was finally passed as the first detailed law in all human ordinances giving perfect freedom of conscience. This he did in the larger activities of the national policies by his systematic and unintermittent avowal of a program of religious liberty, the successful completion of which has made him the greatest political exponent of religious freedom in all its consequences.

We are not assembled this evening to investigate Jefferson's religious convictions; nor would he countenance any such investigation. To him — and I interrupt to eradicate the picture of Jefferson as an atheist or agnostic — religion was a matter of personal conviction, a sacred *concordat* existing between the individual and his Maker, and as such infinitely exalted above the possibility of prying investigation and carping criticism on the part of others. We may not share his religious convictions. I certainly do not. But, I repeat, we are concerned about Jefferson the American rather than Jefferson

the religionist; Jefferson the statesman rather than Jefferson the sectarian.

Viewed in this way, the one consuming ideal of religious liberty is the fundamental thesis that there can be no tyranny over the conscience of men. He swore, as he himself emphatically avowed, "upon the altar of God eternal hostility against every form of tyranny over the mind of men." He elaborated upon this principle frequently and at considerable length, and in his *Notes on Religion* he gives a homely and practical illustration of this position: —

"No man complains of his neighbor for ill management of his affairs, for an error in sowing his land or marrying his daughter, for consuming his substance in taverns, pulling down, building, etc. In all these he has his liberty; but if he do not frequent the church or there conform to ceremonies, there is an immediate uproar. The care of every man's soul belongs to himself. But what if he neglect the care of it? Well, what if he neglect the care of his health or estate, which more nearly relate to the State? Will the magistrates make a law that he shall not be poor or sick? Laws provide against injury from others, but not from ourselves."

Jefferson was opposed in principle to every act of intermeddling — or even any suggestion of it — according to which the State would regulate the affairs of the Church. Now, it was quite inevitable, because of the historical environment of patronage extended to the Established Church of Virginia

(in which Jefferson was born and in which, here at Charlottesville, he was not only a pledged vestryman, but also such an ardent supporter that, when the local congregation, outgrowing the cramped quarters of the little court-house, decided to erect a new edifice; it was the versatile Jefferson who drew the plans for the new structure),—it was quite unavoidable, I repeat, that Jefferson's first revolt against the accepted order of things ecclesiastical should direct its shafts against the intervention of the State in the religious expression of its subjects. In the scathing denunciation of every overture or suggestion which even remotely conceeded to the State as much as a veiled form of interference in the spiritual life of its citizens, Jefferson has unquestionably adopted the most consistent and detailed program for the complete and definite divorcing of the functions of the Church from those of the State that was ever conceived and put into operation up to his time. This program, with striking and consistent logic, is based on the fundamental premise which he expressed in one of his letters:—

*"I have considered religion as a matter between every man and his Maker, in which no other, and far less the public, has a right to interfere."*

Jefferson's adherence to this principle was so rigid and inflexible that he not only steadfastly refused to discuss his religious convictions with others, telling one of the laud and professional biographers of his day: "Say nothing of my religion. It is known to my God and myself

alone. Its evidence before the world is to be sought in my life"; but he also did not shrink from the very logical consequence of refusing to follow the practise of Washington and Adams in issuing presidential proclamations for thanksgiving festivals and days of fasting and repentance, a custom which, especially in reference to Thanksgiving, has been perpetuated until to-day, although in the strictest analysis we must unhesitatingly concede that Jefferson's position is eminently the more consequent.

With consistency in such details, we may well anticipate that the broader principles of complete separation of the State from the functions of the Church are expressed with unequivocal precision. Jefferson demands, as a corollary of the right of every individual to worship God according to the dictates of his conscience, that the State shall not compel any one to attend a church, that no one shall be forced to contribute to the maintenance of any religious organization or institution, and that there shall be no official preference according to which the civil rights of the individual are to be restricted or increased because of his religious belief. Public safety and convenience may, of course, under the stress of abnormal circumstances, suspend the application of some of these principles, as Jefferson admits in his *Notes on Religion*, where, with the practical application that characterizes his argumentation, he says:—

*"It is ordinarily lawful to kill calves or lambs; they may therefore be religiously sacrificed. But*

if the good of the state required a temporary suspension of killing lambs, as during a siege, sacrifices of them may then be rightfully suspended also."

He admits, too, that governmental separation from religious affairs may never become a mantle of lawlessness. He states:—

*"Whatsoever is lawful in the commonwealth or permitted to the subject in the ordinary way cannot be forbidden to him for religious uses; and whatsoever is prejudicial to the commonwealth in their ordinary uses and therefore prohibited by the law ought not to be permitted to churches in their sacred rites. For instance, it is unlawful in the ordinary course of things or in a private house to murder a child. It should not be permitted any sect, then, to sacrifice children."*

But beyond such natural and self-implied limitations he admits of no restriction of personal liberties of the individual in his religious life, no interference on the part of the government, local, State, or Federal, in the exercise of religious functions. He did not believe, as he himself summarized the situation, that it was *"for the interest of religion to invite the civil magistrate to direct its exercises, its disciplines, or its doctrines."*

His emancipation of the Church from the dominion of the State was so radical and revolutionary that it met with the most vehement opposition on the part of the state-supported clergy, whose complacency and social security it certainly disturbed. It was so defiant and destructive to

the traditions of the Old World that the ideals of Jeffersonian religious freedom as they were perpetuated in our national Constitution could find a European reflex only in the establishment of isolated free churches and dissenter movements of various types, although Jefferson's writings on religion were translated into French and Italian and read at many courts. It was in fact throwing the gauntlet down to the age-old delusion, expressed in the emperor worship to which the excavations in the cradle lands of humanity lend their graphic testimony. It was fiery protest against the pagan cults that clutter the pages of ancient history, with depraved rulers functioning as high priests before human sacrifices. But it was especially an unsparing indictment of every bloody act of fiendish persecution committed by the punitive arm of the state in the name of the Lord of Love; it was a stinging rebuke of every form of man's inhumanity to men, of every tyrannical usurpation of power by which the sword of the government has been unsheathed to persecute non-conformists and heretics. With the groans of ten thousands of martyrs in France on St. Bartholomew's night and in the ensuing massacres ringing out piteously into the hopeless night of religious intolerance; with the hideous massacres of the Spanish Inquisition, cataloguing more than 18,000 unfortunates burned alive in only the beginning of the bloody chapter of its history; with the smoke of these *auto-da-fés* rising as a challenge to the heroic genius who would deliver humanity from the most unsparing tyranny

that history knows, Jefferson vindicated the cause of racked bodies and tortured souls when he summarized his conviction: —

*"I consider the Government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises."*

The heritage of this freedom, one of the foundation stones of national happiness and American prosperity, has been bequeathed to us, as to a generation in which religious liberty is so well understood and therefore accepted with such indifference that the titanic character of Jefferson and the gigantic struggle which he waged for humanity is not fully estimated and adequately appreciated. Indeed, such organized movements as crystallized in the Oregon School Bill a few years ago, when national and fraternal organizations united in the attempt to convince the citizenry of that Pacific State that it should enact a statute which would permit the State to interfere in a most drastic manner in the educational policies of certain churches, showed — in the intense support and powerful propaganda that was recruited for this movement — that there are masses in our country that may be mobilized for the destruction of the very fundamental ideals of non-interference by the State for which Jefferson contended so incessantly. With several States using part of their tax-money for the support of religious institutions; with the quiet, but determined policy that exists in some of our larger cities according to which the administra-

tion extends a very attractive patronage to favored denominations; with weighty elections sometimes decided by our citizenry on the basis of denominational preference, it hardly need be remarked that even to-day the Jeffersonian policy of absolute governmental neutrality in religious matters has not been fully assimilated and needs emphatic and intelligent restatement in this otherwise enlightened age.

But if the State was not to exercise any form of control over the Church beyond such as is dictated by the plain expedients of harmonious communal life, then certainly, according to the Jeffersonian platform of reconstruction, the churches, too, were not to exercise any form of control over the affairs of the State. In thus emphasizing the spiritual realm of the Church and insisting upon its clean-cut aloofness from political issues, Jefferson unhesitatingly and unsparingly denounced all political sermons. In one of his letters he states his position with this unreserved frankness: —

*"On one question I differ — the right of discussing public affairs in the pulpit. . . . The mass of human concerns, moral and physical, is so vast, the field of knowledge requisite for man to conduct them to the best advantage is so extensive, that no human being can acquire the whole himself and much less in that degree necessary for the instruction of others. . . . Collections of men associate under the name of congregations and employ a religious teacher of the particular set of*



opinions of which they happen to be and contribute to make up a stipend as a compensation for the trouble of delivering them, at such periods as they agree on, lessons in the religion they profess. If they want instruction in other sciences or art, they apply to other instructors; and this is generally the business of early life. But I suppose there is not a single instance of a single congregation which has employed their preacher for the mixed purposes of lecturing them from the pulpit in chemistry, in medicine, in law, in science, and the principles of government, or in anything but religion exclusively. Whenever, therefore, preachers, instead of a lesson in religion, put them off with a discourse on the Copernican system, on chemical affinities, on the construction of government, or the characters or conduct of those administering it, it is a breach of contract, depriving their audience of the kind of service for which they are salaried, and giving them instead what they did not want. . . . In choosing our pastor, we look to his religious qualifications, without entering into his physical or political dogmas, with which we mean to have nothing to do."

Yet with all this Jefferson would not emasculate the clergy and make the minister of religion a voiceless, spineless, complacent person. The toga of the sovereign rights of citizenship was not removed when a young man became a clergyman; and in the same letter from which I have quoted to you, Jefferson insists:—

*"The preacher has the right, equally with other*

*citizens, to express his sentiments, in speaking or writing, on the subjects of medicine, law, politics, etc., his leisure time being his own and his congregation not being obliged to listen to his conversation or to read his writings."*

A glance at the church advertisements in almost any one of our metropolitan dailies will quickly reveal that this conception of a clergyman's office is frequently honored more by the breach than by the observance. When American churches feature sermons on such topics as: "Is Mussolini the Man of Destiny?" "The Meaning of Dimension," "The London Naval Treaty—What It Means," "The Message of the Visiting Nurse," "Street-car Ventilation," or "Psychometric Reading," we are confronted with conditions which a few years ago prompted a layman to complain that we now go to church to hear sermons on the minimum wage, adequate housing of the poor, the regulation of moving pictures and the dance-halls, how to vote, and the latest vice-investigation report. He tells that a child returning home from Sunday-school was asked by its mother the subject of the lesson. It was how to keep the streets clean. On another Sunday, kindness to dumb animals furnished the subject of the lesson; and this was a graded Sunday-school, up to date. A woman who had suffered greatly because of a recent sorrow brought herself to go to church, longing for some comforting word. She heard a sermon on the Charity Organization Society and the Visiting Nurse.—It is the tragedy of modern American church-life that

it has too frequently permitted its purely spiritual functions to be obliterated by patent bids for notoriety in political, quasi-scientific, and industrial subjects. Too many crusading pastors are political impostors; too many Scriptural texts are mere partisan pretexts; too many militant clergymen are really virulent policemen.

But the political sermon is only an incidental indictment in Jefferson's condemnation of church interference in governmental affairs. He hurls devastating invectives against the inequity of religious preference or sectarian favoritism, which would give any particular denomination political or social ascendancy over others. He invokes the warnings of history to show how tragic consequences are when the spiritual privileges are abused to satisfy political ambitions. He rises up against the spiritual arrogance which boasted: "God left to Peter not only the Church Universal, but also the whole world, to govern" and which so disrupted the course of political administration that a great churchman could interdict Henry IV and declare: "I absolve all Christians from the oaths which they have sworn or may swear to him and forbid all obedience to him as king." Against this old system, that both "the spiritual sword and the temporal" are in the power of the Church, Jefferson thunders out his protest of civil independence from ecclesiastical tyranny, without which even his declaration of national independence would have degenerated into a mere caricature of human liberty. Against the sullen background of depressing his-

tory, where arrogant pontiffs moved their puppet kings with the string of ecclesiastical tyranny and where they wielded the naked sword of persecution over the lives and destinies of uncounted millions and where no prince was too exalted in the splendor of his palace and no peasant too lowly in the obscurity of his hovel to escape the vengeance of the Church that had forgotten the injunction of its Founder: "Put up thy sword,"—against all this and above all against the century-old gloomy tyranny, usurpation, and prostitution of holy offices Jefferson's emancipation of the State from the Church looms up as the light which is to usher in a new and promising day in the history of human affairs.

Need I say that the world has not kept pace with the high standard which these Jeffersonian ideals have set; that our own country has not so thoroughly assimilated these principles that it avoids even to-day grave inconsistencies and flagrant intrusions by church-bodies into the realms of pure politics? We think almost instinctively of the hostile incursions into the political life of the nation that are being led by paid reformers operating under church sanction and with church salary; of the maintenance of political lobbies by religious groups in the national capital and in the political centers of our States; of the conscious and defiant utterances of churchmen who still maintain, in spite of all the tragedies to which this principle has given expression, that the Church must direct the affairs of the American nation, of the national

Constitution, which would mean the drafting of the governmental sword for the propagation of Christ's faith; of the well-meant, yet nevertheless un-American tendency to make Bible-reading a compulsory part of our public-school curriculum; of the less commendable campaigns designed to make the American Sunday a replica of the Jewish Sabbath through the passage of dismal blue-laws;—we think of all this, and the conviction that forces itself upon us is this, that for the intelligent appraisal of the issues which are engaging the attention of the American people we need a deeper appreciation of the Jeffersonian spirit, a more sincere application of the Jeffersonian ideals.

In order to give our discussion a direct and practical bearing, how can we view the treatment which certain church-bodies are according the Prohibition amendment in the light of these Jeffersonian principles? The spirit of his writings leaves, it seems to me, no doubt as to the attitude which this great liberalist would assume if he were among us to-day. He would, first of all, establish the fact that the constitutional amendment for Prohibition is in every sense of the term, as we have it, part and parcel of our civil legislation. He would insist then that as such it should not be assailed or championed (and both procedures are equally objectionable) by any Church and denominational group, just as little as any tariff provision, traffic ordinance, narcotic measure, or game regulation should be accorded ecclesiastical approval and disapproval. He would add that,

while it is the duty of the churches to emphasize to their followers the virtue of temperance and the vice of drunkenness, yet such indoctrination under no circumstances is to assume a definite political coloring or to express itself in the maintenance of political intimidation campaigns or legislative lobbies or similar modified forms of force. He would tell us, in short, that, while every citizen is entrusted with the privilege and the responsibility of exercising the sovereign function of his ballot either for or against the repeal and modification of the amendment, denominational bodies as spiritual organizations have no call or privilege to enter into legislative agitations, whatever their tendencies may be.

His voice of warning would also be raised, we may well believe, against those aggressive interferences in the industrial life of the nation on the part of authorized federal church organizations which have gone beyond the scope of the Church's province in busying themselves with economic issues, with financial problems, and with purely sociological questions. He would not countenance, if we have understood him correctly, the campaigns conducted by church organizations to mold popular opinion in regard to such purely political issues as the entrance of our country into the League of Nations or the adoption or modification of international treaties. He would disavow the outspoken pacifist tendencies of certain religious groups, the iron-fisted control which some churches wield in the petty circles of ward and city politics, the

customary procedure of church-bodies passing political resolutions or endorsing political candidates at their annual conventions, and the whole unholy relation by which the spiritual power of the Church is prostituted, its appeal to the soul materialized, and its inner effectiveness hopelessly paralyzed.

Who is there that can visualize the complete and effectual application of these ideals, understand how bigotry and national misunderstanding would be minimized by the Jeffersonian conception of Church and State, anticipate the dangers that may be involved in the continuance of some of the tactics just outlined, — who is there that knows and believes in the complete restoration of those eminently American ideals who does not yearn with profound sincerity for the reincarnation of the spirit of Jefferson rising majestically over the intolerance of a materialistic age and crying out as it cried once before: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the minds of men"?

---